

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:99CR266
vs.)	
)	ORDER
GARRETTE WALKER, JR.,)	
)	
Defendant.)	

Defendant Garrette Walker, Jr. (Walker) appeared before the court on April 29, 2005, on a Petition for Warrant or Summons for Offender Under Supervision (Report) (Filing No. 44). Walker was represented by First Assistant Federal Public Defender Shannon P. O'Connor and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Walker waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Report alleges probable cause and that Walker should be held to answer for a final dispositional hearing before Chief Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Walker declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is Walker's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Walker has failed to carry his burden and that Walker should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 1:00 p.m. on May 26, 2005.** Defendant must be present in person.
2. Defendant Garrette Walker, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility.
3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of April, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge